IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 310 of 2006

Smt.Lilabai Ramchandra Kedar ... Appellant

V/s

Smt.Suman Kisan Kedare and Ors. .. Respondents

Shri S.D.Khot for Appellant

CORAM:S.R.SATHE,J.

DATED:19th Dec. 2006

P.C.:-

1. Heard the learned Advocate for the Appellant.

2. Perused the judgment of the trial Court as well as the judgment of the first appellate Court. Both the Courts have rightly held that transaction in question was of mortgage and condition embodied in the alleged two documents dated 21-3-1980 and 15-9-1980 regarding return of amount within stipulated period was in the nature of clog on equity of redemption. The Courts below properly appreciated the evidence and rightly decreed the suit for redemption of mortgage. There is no error of law. No substantial question of law is involved in the appeal. Hence the appeal is dismissed in limine.

(S.R.SATHE,J.)